

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**THOMAS R. RODELLA and
THOMAS R. RODELLA, JR.**

Defendant.

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Case No.: 14-CR-2783 JB

**DEFENDANT THOMAS R. RODELLA'S NOTICE OF INTENTION
TO OFFER EXPERT TESTIMONY**

The Defendant, Thomas R. Rodella, by and through his counsel of record, Robert J. Gorence and Louren Oliveros of Gorence & Oliveros, P.C., pursuant to Fed. R. Crim P. 16(b)(1)(c) and the Proposed Scheduling Order (Doc. 29), hereby gives notice that he intends to introduce the following expert testimony at trial:

1. Mr. Rodella plans to call Harvey Stanford Sanders, whose qualifications are described in his curriculum vitae, attached as Exhibit A. Dr. Sanders is an expert in plastic and reconstructive surgery. Dr. Sanders has reviewed the booking photograph of Mr. Tafoya and, photographs of Mr. Rodella's badges as the Sheriff of Rio Arriba County which were seized, as well as his current badge. Dr. Sanders will testify about the course of facial bruising and the time periods in which a bruise becomes visible after trauma. Dr. Sanders will testify that there is no evidence of trauma to Mr. Tafoya's neck and face area from either an anterior or posterior view as reflected on Mr. Tafoya's booking photograph into the Rio Arriba County jail on March 11, 2014. Specifically, Dr. Sanders will testify that there is no evidence of any abrasions, scratch marks, lacerations or imbedded debris in Mr. Tafoya's facial area or neck and, had such an injury

occurred more than 4 hours earlier, such marks would be visible. Dr. Sanders will testify that Mr. Tafoya did not have injury to either eye or eye socket and he most certainly did not have a “black eye.” Dr. Sanders will testify that there is no evidence of any physical damage whatsoever to Mr. Tafoya’s skin as reflected in the booking photograph. Dr. Sanders will rebut the testimony of Special Agent John W. Howard who opined in his affidavit that there was in fact evidence of facial trauma to Mr. Tafoya.

2. Mr. Rodella plans to call Dennis L. O’Brien, whose qualifications are described in his curriculum vitae, attached as Exhibit B. Mr. O’Brien is an expert in accident reconstruction. Mr. O’Brien will testify concerning the capabilities of the jeep driven by Tommy Rodella, Jr., as well as the vehicle driven by Mr. Tafoya, and will analyze the photographs taken after Mr. Tafoya’s vehicle came to rest after hitting a utility pole. The details of the materials reviewed and the opinions held by Mr. O’Brien are set forth in his report and attached as Exhibit C.

Respectfully submitted,

/s/ Robert J. Gorence
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing pleading was emailed to counsel of record by CM/ECF this 8th day of September, 2014.

/s/ Robert J. Gorence
Robert J. Gorence